

Adopted	Rejected
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COMMITTEE REPORT

YES:	0
NO:	0

MR. SPEAKER:

Your Committee on Education, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 2, line 15, delete "a course" and insert "**training**".
- 2 Page 2, between lines 35 and 36, begin a new paragraph and insert:
- 3 "SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]:
- 6 **Chapter 5. Care of Students With Diabetes**
- 7 **Sec. 1. As used in this chapter, "care assistant" means a school**
- 8 **employee who:**
- 9 **(1) is not a licensed health care professional; and**
- 10 **(2) has successfully completed the training required under**
- 11 **section 10 of this chapter.**
- 12 **Sec. 2. As used in this chapter, "diabetes management and**
- 13 **treatment plan" means a plan prepared under section 7 of this**
- 14 **chapter.**
- 15 **Sec. 3. As used in this chapter, "individualized health plan"**

1 means a coordinated plan of care designed to meet the unique
2 health care needs of a student with diabetes in a school setting.

3 Sec. 4. As used in this chapter, "licensed health care
4 practitioner" means a nurse practitioner.

5 Sec. 5. As used in this chapter, "school employee" means an
6 individual employed by:

- 7 (1) a public school or an accredited nonpublic school;
- 8 (2) a local health department working with a school under this
9 chapter; or
- 10 (3) another entity with which a school has contracted to
11 perform the duties required under this chapter.

12 Sec. 6. As used in this chapter, "student" refers to a student
13 with diabetes.

14 Sec. 7. (a) A diabetes management and treatment plan must be
15 prepared and implemented for a student with diabetes whose
16 parent seeks care for the student's diabetes while the student is at
17 school or participating in a school activity. The plan must be
18 developed by:

- 19 (1) the student's parent; and
- 20 (2) the licensed physician or licensed health care practitioner
21 responsible for the student's diabetes treatment.

22 (b) A diabetes management and treatment plan must:

- 23 (1) identify the health care services the student may receive at
24 school;
- 25 (2) evaluate the student's:
 - 26 (A) ability to manage; and
 - 27 (B) level of understanding of;the student's diabetes; and
- 28 (3) be signed by the student's parent and the licensed
29 physician or licensed health care practitioner responsible for
30 the student's diabetes treatment.

31 (c) The parent of a student who seeks care for the student's
32 diabetes while the student is at school or participating in a school
33 activity shall submit a copy of the student's diabetes management
34 and treatment plan to the school. The plan must be submitted to
35 and be reviewed by the school:

- 36 (1) before or at the beginning of a school year;
- 37 (2) at the time the student enrolls, if the student is enrolled in
38

1 school after the beginning of the school year; or
 2 (3) as soon as practicable following a diagnosis of diabetes for
 3 the student.

4 **Sec. 8. (a) An individualized health plan must be developed for**
 5 **each student whose parent seeks care for diabetes while the student**
 6 **is at school or participating in a school activity. The school's**
 7 **principal and nurse, if the school has a nurse, shall develop a**
 8 **student's individualized health plan in collaboration with:**

- 9 (1) the student's parent;
- 10 (2) to the extent practicable, the licensed physician or licensed
- 11 health care practitioner responsible for the student's diabetes
- 12 treatment; and
- 13 (3) one (1) or more of the student's teachers.

14 **(b) A student's individualized health plan must incorporate the**
 15 **components of the student's diabetes management and treatment**
 16 **plan. A school shall develop a student's individualized health plan**
 17 **upon receiving the student's diabetes management and treatment**
 18 **plan.**

19 **Sec. 9. (a) At each school in which a student with diabetes is**
 20 **enrolled, the school principal shall:**

- 21 (1) seek school employees to serve as care assistants; and
- 22 (2) make efforts to ensure that the school has:
 - 23 (A) at least one (1) care assistant if a full-time nurse is
 - 24 assigned to the school; and
 - 25 (B) at least two (2) but not more than five (5) care
 - 26 assistants if a full-time nurse is not assigned to the school.

27 **(b) A care assistant while providing health care services serves**
 28 **under the supervision and authorization of the principal and the**
 29 **school nurse, if the school has a nurse.**

30 **(c) A school employee may not be subject to any disciplinary**
 31 **action for refusing to serve as a care assistant.**

32 **Sec. 10. (a) The state department of health, with the assistance**
 33 **of interested parties, shall develop a training program that includes**
 34 **instruction in the following:**

- 35 (1) Recognizing the symptoms of hypoglycemia and
- 36 hyperglycemia.
- 37 (2) Understanding the proper action to take if the blood
- 38 glucose levels of a student are outside the target ranges

1 indicated on the student's diabetes management and
2 treatment plan.

3 (3) Understanding the details of a student's individualized
4 health plan.

5 (4) Performing finger sticks to check blood glucose levels,
6 checking urine ketone levels, and recording the results of the
7 checks.

8 (5) Properly administering glucagon and insulin, and
9 recording the results of the administration.

10 (6) Recognizing complications that require emergency
11 medical assistance.

12 (7) Understanding recommended schedules and food intake
13 for meals and snacks for a student, the effect of physical
14 activity on blood glucose levels, and the proper action to be
15 taken if a student's schedule referred to in this subdivision is
16 disrupted.

17 (b) If a school nurse is assigned to a school, the school nurse
18 shall coordinate the training of school employees acting as care
19 assistants, using the training program developed under subsection
20 (a).

21 (c) Training for care assistants must be provided by a health
22 care professional with expertise in the care of individuals with
23 diabetes or by a school nurse. The training must be provided
24 before the beginning of the school year or as soon as practicable
25 following:

26 (1) the enrollment; or

27 (2) the diagnosis;

28 of a student with diabetes at a school that previously had no
29 students with diabetes.

30 (d) The school nurse or principal shall maintain a copy of the
31 training program and the records of training completed by the
32 school employees.

33 Sec. 11. (a) If a school nurse is assigned to a school and the nurse
34 is available, the nurse shall perform the tasks necessary to assist a
35 student in carrying out the student's individualized health plan.

36 (b) If a school nurse is not assigned to a school or the nurse is
37 not available, a care assistant shall perform the tasks necessary to
38 assist a student in carrying out the student's individualized health

1 plan, in compliance with the training guidelines provided under
 2 section 10 of this chapter. A care assistant must have access to a
 3 health care professional with expertise in the care of individuals
 4 with diabetes or a principal must have access to the licensed
 5 physician or licensed health care practitioner responsible for the
 6 student's diabetes treatment if a care assistant acts under this
 7 subsection.

8 (c) A care assistant may act under this section only if the parent
 9 of the student signs an agreement that:

10 (1) authorizes a care assistant to assist the student; and

11 (2) states that the parent understands that, as provided under
 12 IC 34-30-14, a care assistant is not liable for civil damages for
 13 assisting in the student's care.

14 (d) A care assistant who assists a student under this section:

15 (1) is not considered to be engaging in the practice of nursing;

16 (2) is exempt from applicable statutes and rules that restrict
 17 activities that may be performed by an individual who is not
 18 a health care professional; and

19 (3) may exercise reasonable judgment in deciding whether to
 20 contact a health care provider in a medical emergency
 21 involving a student with diabetes.

22 (e) A school corporation may not restrict the assignment of a
 23 student to a particular school on the basis that the school does not
 24 have the required care assistants.

25 Sec. 12. As provided in a student's individualized health plan, a
 26 school corporation shall allow the student to attend to the
 27 management and care of the student's diabetes, including but not
 28 limited to the following activities:

29 (1) Performing blood glucose level checks.

30 (2) Administering insulin through the insulin delivery system
 31 the student uses.

32 (3) Treating hypoglycemia and hyperglycemia.

33 (4) Possessing on the student's person at any time the supplies
 34 or equipment necessary to monitor and care for the student's
 35 diabetes.

36 (5) Otherwise attending to the management and care of the
 37 student's diabetes in the classroom, in any area of the school
 38 or school grounds, or at any school related activity.

Sec. 13. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:

- (1) identifies the student with diabetes;**
- (2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency;**
- and**
- (3) provides the telephone number of a contact in case an emergency occurs.**

SECTION 3. IC 34-30-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers:

- (1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:
 - (A) written order of a practitioner; and
 - (B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (3) a blood glucose test by finger prick in compliance with the written order of a practitioner; or
- (4) any combination of subdivisions (1) through (3);

to a pupil is not **personally** liable for civil damages **for any act that is incident to or within the scope of the duties of the employees position of employment or that involves the exercise of judgment**

1 **or discretion on the part of the employee** as a result of the
2 administration except for an act or omission amounting to gross
3 negligence or willful and wanton misconduct.".

4 Renumber all SECTIONS consecutively.
 (Reference is to HB 1116 as introduced.)

and when so amended that said bill do pass.

Representative Porter